

U. S. DISTRICT COURT
Southern District of GA
Filed in Office

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

11/29/2017 M

Deputy Clerk

UNITED STATES OF AMERICA)

v.)

FREDERICK SMITH,)

Defendant.)

CASE NO. CV417-0098

O R D E R

Before the Court is Movant Jeremy Blaine DePeyster's Motion for Return of Property (Doc. 30) and the Government's Consent Motion to Dismiss Ancillary Petition (Doc. 32). After careful consideration, the Government's motion is **GRANTED** and Movant DePeyster's motion is **DISMISSED** as moot.

On July 20 2017, this Court entered an Order of Forfeiture forfeiting a Smith & Wesson M&P 9mm caliber pistol to the United States. (Doc. 22.) After conclusion of the underlying criminal matter, Movant DePeyster petitioned this Court seeking the return of the forfeited firearm, which was allegedly stolen from his wife Rachel DePeyster's vehicle on January 25, 2016. (Doc. 30.) After an investigation, the Government has now agreed that Movant DePeyster is the rightful owner of the firearm. (Doc. 32.) As a result, the Government has agreed to return the firearm on the condition that Movant DePeyster consents to the dismissal of his motion presently before the Court. (Id.) Movant

Depeyster has agreed to the dismissal. (Id.) Because the parties are in agreement, the Government's Consent Motion to Dismiss the Ancillary Petition is **GRANTED**. The Government will direct the Bureau of Alcohol, Tobacco, Firearms and Explosives to release the firearm to Movant DePeyster. As a result, Movant DePeyster's motion is **DISMISSED** as moot.

SO ORDERED this 29th day of November 2017.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA